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November 10, 2003

RECEIVED

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MobileTel, LLC
CC Docket No. 94-102
Supplement to Petition for Waiver of Section 20.18 of the Commission's Rules

Dear Ms Dortch:

On August 1, 2003, MobileTel, LLC ("MobileTel") requested waiver of the Phase II Enhanced 911 ("E911") obligations set forth in Section 20.18 of the Commission's Rules ("Petition"). The Petition satisfied the standards for waiver as set forth in the Commission's Rules including requirements that E911 waiver requests be "specific, focused, and limited in scope, with a clear path to full compliance."¹

Subsequently, the Commission provided an opportunity for "Tier III" carriers such as MobileTel that sought waiver of the Commission's E911 requirements to provide additional information in support of their requests for relief.² Accordingly, MobileTel, through counsel, hereby provides the Commission with updated information that further substantiates its request.

MobileTel is on Schedule to Meet Projected Benchmarks

In its Petition, MobileTel demonstrated that a network-based Phase II solution is no longer economically or technically feasible. Because the company utilizes analog/TDMA technology for which no ALI-capable handsets are available, it has no alternative but to convert its system to a CDMA network that will support such a solution. In the Petition, the company

¹ See *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling System*, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457-58 (2000).

² See *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, Order to Stay, CC Docket No. 94-102 at para. 3 (rel. Oct. 10, 2003) ("Order to Stay"). In its Order to Stay, the Commission listed MobileTel among the carriers that are covered by the temporary stay issued in the decision. See *id.* at para. 20 (noting that the carriers covered by the stay are listed in Appendix A2 and Appendix B) & Appendix A2 (listing MobileTel).

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reported that it plans to begin marketing CDMA service in the majority of its service area by late 2004 and plans to have a complete overlay of its existing analog/TDMA system by April 2005. The company also provided a proposed schedule for deployment of ALI-capable phones on its network and described ways in which it will encourage analog/TDMA subscribers to transition to CDMA location-capable phones.

In its Order to Stay, the Commission recognized that some carriers are seeking additional time to comply with the requirements because they are changing technologies in order to support a handset-based solution.³ The Commission noted that these carriers should provide “concrete evidence of [their] genuine commitment to a date certain for that transition to be accomplished.”⁴ To further demonstrate its commitment to meeting the technology transition benchmarks set forth in the Petition, MobileTel hereby informs the Commission that it has completed the necessary switch upgrade to convert its system to CDMA and that CDMA service is now provided from four of the company’s cell sites.⁵

Additionally, MobileTel reports that it is proceeding with the development of a subscriber educational campaign to encourage analog/TDMA customers to transition to CDMA ALI-capable phones.⁶ The major thrust of this effort will be to inform the analog/TDMA customers that emergency service providers will not have access to location information unless they transition to the CDMA ALI-capable phones. MobileTel plans to provide the Commission with preliminary details regarding the implementation of this campaign in its January 15, 2004 Interim Report

MobileTel Continues to Coordinate with PSAPs

In its Stay Order, the Commission noted that all carriers seeking relief should “work with state and local E911 coordinators and with all affected PSAPs in their service area, so that community expectations are consistent with a carrier’s projected compliance deadlines.”⁷ MobileTel reports that it has not received any Phase II requests from PSAPs. Further, as noted in its Petition, through coordinated efforts with PSAPs in its service area, MobileTel does not anticipate that any PSAP will require the Phase II information until after the company has fully

³ *Id.* at para. 27

⁴ *Id.*

⁵ Although a few CDMA cell sites are operational, the public interest is better served by postponing an aggressive CDMA handset marketing campaign until full system deployment. See Petition at 7 (“requiring sales of CDMA handsets before full system testing and deployment would result in customer dissatisfaction, as well as confusion as to when and where service is available, including access to emergency service providers”)


⁶ The concept of an educational campaign to transition customers from analog to technologies that support ALI-capable phones was championed at the Commission’s recent E911 Initiative Meeting. At the fall meeting, David Koons, a New York Assemblyman, remarked that to encourage analog subscribers to transition to ALI-capable phones, “we need to educate them about the E911 capabilities of the new handsets and then they will want them.”

⁷ Stay Order at para. 28

implemented its CDMA technology.⁸ Accordingly, because it is anticipated that the public safety community will not be seeking Phase II location information until after MobileTel begins selling ALL-capable handsets, the expectations of the public safety community are consistent with MobileTel's projected implementation schedule. MobileTel hereby affirms its commitment to continue coordinating with the PSAPs in its service area during the phased-in implementation period.

Please contact the undersigned if you have any questions.

Respectfully submitted,


Sylvia Lesse
John Kuykendall

Its Attorneys

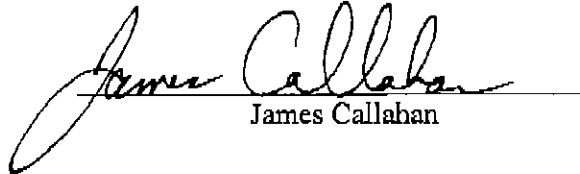
cc: John Muleta, Chief, WTB
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Jared Carlson, Deputy Chief, Policy Division, WTB
Qualex International

⁸ See Petition at 7 & n 17

DECLARATION OF JAMES CALLAHAN

I, James Callahan, President of MobileTel, LLC, do hereby declare under penalty of perjury that I have read the foregoing "Supplement to Petition for Waiver of Section 20.18 of the Commission's Rules" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

Nov. 10, 2003
Date


James Callahan